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**OFFICE OF PETITIONS**

In re Application of  
Robert R. Gray  
Application No. 10/068,575  
Filed: February 6, 2002  
Attorney Docket No. N/A

ON PETITION

This is a decision on the papers styled, "Request For Withdrawal of Holding of Abandonment (No Abandonment in Fact)," filed January 10, 2006, which has been treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed October 18, 2004. A "Notice of Fee Deficiency" (Notice) was mailed February 8, 2005 and set a one (1) month period for response. Accordingly, this application became abandoned on March 9, 2005. A Notice of Abandonment was mailed on January 4, 2006.

Petitioner asserts that a response in the form of a check for \$100.00 for one additional independent claim was timely submitted on February 21, 2005 in response to the Notice. In support, petitioner has submitted a copy of the February 21, 2005 submission and a copy of the date-stamped postcard receipt that indicates receipt of the submission on February 28, 2005 by the USPTO. The "Transmittal of Fee for Added Claim" contains an executed Certificate of Mailing under 37 CFR 1.8 dated February 21, 2005.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 3700, for review of the amendment, filed January 24, 2005 (Certificate of Mailing date: January 18, 2005), *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse  
Petitions Attorney  
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for Patent Examination Policy